

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

**Thomas E. Perez,
Secretary of Labor,**

Plaintiff,

v.

**EL TEQUILA, LLC, and CARLOS
AGUIRRE, Individually,**

Defendants.

Case No. 12-CV-00588-JED-PJC

**DEFENDANTS' MOTION TO FILE RESPONSES OUT OF TIME
TO THE FOLLOWING MOTIONS BY PLAINTIFF:**

**(1) MOTION IN LIMINE (DOC 177); (2) MOTION IN LIMINE (DOC 178);
(3) MOTION IN LIMINE (DOC 179); (4) MOTION IN LIMINE (DOC 181); (5) MOTION
IN LIMINE (DOC 187); (6) MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE
DEFENSES (DOC 188); AND (7) MOTION FOR SUMMARY JUDGMENT (DOC 190)**

COME NOW the Defendants and in support of the Motion alleges as follows:

1. Plaintiff has caused to be filed its Motion for Summary Judgment, five Motions in Limine, and Plaintiff's Motion to Strike Defendants' affirmative defenses described above.
2. Defense Counsel incorrectly calculated and docketed the response date for each described motion by applying LCv7.2(h). Defense Counsel incorrectly applied what was deemed to be the *due date* based on the Second Amended Scheduling Order, and the Order entered by the Court on December 31, 2014 (DOC 159) under LCv7.2(h).

3. Defendants filed a Motion (DOC 203) for extension of time to respond to the motions filed by the Plaintiff. When the Motion for Extension was filed, Defense Counsel did not believe that Defendants were out of time. However, the Defendants were, in fact, out of time with regard to the Motions.
4. Defendants urge the Court to permit them to respond out of time to the Motions filed by Plaintiff.
5. Defense Counsel has communicated in good faith with Plaintiff's Counsel concerning this Motion, and Plaintiff's Counsel is opposed to the granting of this Motion.
6. Defendants adopt and re-urge their Motion for Extension of Time (DOC 203).

WHEREFORE, Defendants pray the Court to permit them to respond out of time to Plaintiff's Motions described above.

Respectfully submitted,

WILKINSON LAW FIRM

By: s/ Bill V. Wilkinson
Bill V. Wilkinson, OBA No. 9621
4812 East 81 Street #302
Tulsa OK 74137
Tel: 918/663-2252; Fax: 918/663-2254

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of April 2015, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Matthew P. Sallusti, Esq.
U.S. DEPARTMENT OF LABOR
Office of Solicitor
525 Griffin Street #501
Dallas TX 75202
972/850-3100
972/850-3101 Fax

s/Bill Wilkinson
Bill V. Wilkinson